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D E C I S I O N
of 3 December 1999

Case Number: T 0040/99 - 3.4.1

Application Number: 93108182.2

Publication Number: 0570941

IPC: H01S 3/06

Language of the proceedings: EN

Title of invention:
Optical fiber amplifier

Patentee:
Sumitomo Electric Industries, Limited

Opponent:
Alcatel Alsthom

Headword:
Sumitomo Electric Industries, Limited

Relevant legal provisions:
EPC Art. 108
EPC R. 65(1)

Keyword:
"Missing statement of grounds"

Decisions cited:
-

Catchword:
-



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Boards of Appeal

Chambres de recours

Case Number: T 0040/99 - 3.4.1

D E C I S I O N
of the Technical Board of Appeal 3.4.1
of 3 December 1999

Appellant: Alcatel Alsthom
(Opponent) P.O. Box 260
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Representative: Rausch, Gabriele, Dr.
Alcatel
Intellectual Property Department,
Stuttgart
Postfach 30 09 29
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Respondent: Sumitomo Electric Industries, Limited
(Proprietor of the patent) 5-33, Kitahama 4-chome
Chuo-ki
Osaka 541 (JP)

Representative: Lehn, Werner, Dipl.-Ing.
Hoffmann Eitle
Patent- und Rechtsanwälte
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Decision under appeal: **Decision of the Opposition Division of the European Patent Office dated 21 October 1998 rejecting the opposition filed against European patent No. 0 570 941 pursuant to Article 102(2) EPC.**

Composition of the Board:

Chairman: G. Davies
Members: H. K. Wolfrum

G. Assi

Summary of Facts and Submissions

- I. The appeal lies from the decision of the Opposition Division of the European Patent Office posted 21 October 1998 rejecting the Opposition filed against European patent application No. 0 570 941.

The appellant filed a notice of appeal by letter received on 17 December 1998 and paid the fee for appeal on the same date. No statement of grounds was filed. The notice of appeal contains nothing that could be regarded as a statement of grounds pursuant to Article 108 EPC.

- II. By a communication dated 4 May 1999, sent by registered letter with advice of delivery, the Registry of the Board informed the appellant that no statement of grounds had been filed and that the appeal could be expected to be rejected as inadmissible. The appellant was invited to file observations within two months.
- III. No answer has been given within the given time limit to the Registry's communication.

Reasons for the Decision

As no written statement setting out the grounds of appeal has been filed, the appeal has to be rejected as inadmissible (Article 108 EPC in conjunction with Rule 65(1) EPC).

Order

For these reasons it is decided that:

The appeal is rejected as inadmissible.

The Registrar:

The Chairman:

M. Beer

G. Davies